IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 3140 of 2003

Between:

Thunuguntla Subba Rao, s/o Ramulu,
Business, r/o D.No.18-1-16, Guntur Road, Narasaraopet, Guntur District.

..... PETITIONER

AND

1 Government of A.P., rep., by its Principal Secretary, Revenue Department, Secretariat, Hyderabad.
2 Superintendent of Police, Guntur District
3 The District Collector, Guntur, District
4 Registrar/Sub-Registrar, Registration Office, Narasaraopet, Guntur District.

5.G. Nageswara Rao, S/o. Late Venkateswarlu, Hindu, aged 55 years,

R/o. Chirala, Prakasam District.

(R5 impleaded as per Court Order dated 29.8.2003 in WPMP No.16510 of 2003)

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or directions particularly in the nature of writ of mandamus directing the respondents to conduct a detailed enquiry regarding the property specifically mentioned in Annexure-II and take an action against the persons in Annexure-I who claimed property as legal heirs without any document proof and rights and thereby directing the respondents to take action in accordance with law against them in the interest of justice

Counsel for the Petitioner:MR.M.V.RAJA RAM

Counsel for the Respondents 1 to 4: G.P. for Revenue

Counsel for the Respondent No.5: MR.V.S.R.ANJANEYALU

The Court made the following Oral Order: (per Sri Devinder Gupta,CJ)

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Petitioner before us has chosen to approach this Court by way of this writ petition seeking a direction to the respondents to conduct a detailed enquiry regarding the properties mentioned in Annexure-II and to take action against the persons mentioned in Annexure–I who claimed the property as legal heirs without any documentary proof and right.

Petitioner states that he had earlier filed Writ Petition No. 23706 of 2002 in this Court which was disposed of on 11.12.2002, pursuant to which, he had submitted his representation to the respondents and also issued legal notice. But, despite that representation, the respondents are not taking any action to protect the properties, which, according to the petitioner, must vest with the State since there are no legal heirs to Guggilam Venkata Subabiah, the original owner of the property.

During the pendency of the writ petition, one G. Nageswarrao, S/o. Venkateswarlu, filed an application seeking impleadment and opposing the writ petition alleging that he being interested person is not being impleaded in the writ petition and he even

questioned the locus standi of the petitioner to file such a petition specifically alleging mala fides against the petitioner. He also alleged that the petitioner filed the present writ petition at the behest of the tenants without impleading the aggrieved parties and therefore the relief claimed in the writ petition cannot be granted.

We need not go into what the implead petitioner has mentioned in the affidavit and to which what the petitioner has to say in reply, but, would make a reference to the affidavit of Sri K. Rama Rao, Mandal Revenue Officer, Narsaraopet, giving history of the properties wherein it was stated that Sri Guggilam Venkata Subbaiah of Vysya Community, was the owner and he married Raghavamma and gave birth to one daughter by name Sesharratnamma. They acquired the properties in Narsaraopet Town and Chimalamarri Village of Nekarikallu Mandal and transferred it to their daughter Nagasarapu Sesharatnamma. It is stated that Sesharatnamma had no issues out of her wedlock with Mr. Paparao. The said Paparao died in the year 1975 leaving his wife, Sesharatnamma, who was murdered by decoits in the year 1980. After the death of Sesharatnamm, it is stated that various suits were filed by several persons claiming to be legal heirs of the deceased Guggilam Venkata Subbaiah. O.S. Nos. 303 of 1984 and 195 of 1997 have been filed by such persons seeking Succession Certificate. Further in the suit filed in O.S. No. 303 of 1984, Government was not a party and compromise decree was obtained in I.A.No. 656 of 1998 by Sri Guggilam Radha Krishna Murthy and 15 others and subsequently they disposed of those properties to several other persons. The persons mentioned at 17 to 20 in Annexure-I are the tenants and they have been enjoying the properties. It is also stated that after the dismissal of the earlier writ petition, when petitioner submitted representation, enquiry was conducted about the genuineness of the contents of the representation and notices were issued to the purchasers and decree holders. It is stated that action could not be taken due to non-finalisation of various cases pending in the Court. Particulars mentioned are as follows:

> 1. A.S. No. 136/99 in the Court of A.P. High Court, Hyderabad between Nagasarapu Naga Anantha Venkata Narsimha Rao and others vs. Thondapu Peddanna and Others (As per Supreme Court status-quo orders vide Civil Appeal Nos. 4886 to 4888 of 2002)
> 2 . O.S. No. 110/2001, IV Court, Guntur filed by Guggilam Laxmi Kanthamma for Succession Certificate
>
> 3.Compromise Decree granted by the Principal Senior Civil Judge, Narsaraopet in I.A No. 656/98 in favour of Guggilam Radha Krishna Murthy and 16 others.

Thus as per the stand of the respondents, proceedings are pending before the competent Courts of law, to which there is a status-quo order issued by the Supreme Court in Civil Appeal Nos. 4886 to 4888 of 2002. Therefore, further enquiry has not been conducted by the respondents.

In the circumstances aforementioned, no other or further directions can be issued to the respondents, except that on finalisation of the proceedings aforementioned or on vacation of the order of status-quo by the Supreme Court, in case, the respondents feel that it is a fit case where proceedings deserves to be initiated, they will be at liberty to do so and pass appropriate orders in accordance with law as regards the properties in question. This, of course, will be subject to reasoned orders on title, if any, by the competent Courts of law.

Ordered accordingly.

The writ petition stands disposed of accordingly. No costs.

DEVINDER GUPTA,CJ

DATE: 19th July, 2004

C.V. RAMULU,J

Pnb

To

1. The Principal Secretary, Revenue Department, Government of A.P., Secretariat,

Hyderabad.

2 The Superintendent of Police, Guntur District

3 The District Collector, Guntur, District

4 Registrar/Sub-Registrar, Registration Office, Narasaraopet, Guntur District.

5. Two C.Cs. to the Government Pleader for Revenue, High Court of A.P., Hyderabad. (OUT)

6. Two C.Ds.